

SUBPART C. FOREIGN SALES AND EXCHANGES

[As Amended Through P.L. 106-170, Dec. 17, 1999]

1. GENERAL AUTHORITY

a. Waiver of Commodity Credit Corporation Export Sales Restrictions

CONTINUING APPROPRIATIONS ACT, FY 1984

SEC. 101.¹⁰¹⁻¹ (b)* * * *Provided further*, That, hereafter, in order to restore and maintain United States share of world markets and to restore capital of the Corporation for its operations, any restrictions or limitations on the authorities and obligations of the Commodity Credit Corporation to sell in world markets, as provided by its Charter, may be waived or suspended by the Secretary of Agriculture; and * * *.

b. Sale of Surplus Commodities in World Trade

DEPARTMENT OF AGRICULTURE APPROPRIATIONS ACT, FY 1989

SEC. 618.⁶¹⁸⁻¹ None of the funds in this Act shall be used to prevent or interfere with the right and obligation of the Commodity Credit Corporation to sell surplus agricultural commodities in world trade at competitive prices as authorized by law.

c. CCC Revolving Fund

PUBLIC DEBT LIMIT—BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

SEC. 256. (a) * * *

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(j)²⁵⁶⁻¹ **[2 U.S.C. 906(j)]** COMMODITY CREDIT CORPORATION.—

(1) POWERS AND AUTHORITIES OF THE COMMODITY CREDIT CORPORATION.—This title shall not restrict the Commodity Credit Corporation in the discharge of its authority and responsibility as a corporation to buy and sell commodities in world trade, to use the proceeds as a revolving fund to meet other obligations and otherwise operate as a corporation, the purpose for which it was created.

* * * * *

d. Joint Resolution of August 11, 1939¹⁻¹

[15 U.S.C. 713a-6] That notwithstanding any other provision of law, the Commodity Credit Corporation, with the approval of the President, is authorized to sell surplus agricultural commodities, acquired by such Corporation through its loan operations, to foreign

¹⁰¹⁻¹ H.J. Res. 368, P.L. 98-107, 97 Stat. 735, Oct. 1, 1983.

⁶¹⁸⁻¹ P.L. 100-460, 102 Stat. 2261, Oct. 1, 1988. Similar provisions have been included in other agricultural appropriations Acts, e.g., P.L. 101-506, sec. 618, 104 Stat. 1347, Nov. 5, 1990 and P.L. 102-142, sec. 718, 105 Stat. 913, Oct. 28, 1991.

²⁵⁶⁻¹ Joint Res. of Dec. 12, 1985, P.L. 99-177, 99 Stat. 1090, Dec. 12, 1985.

¹⁻¹ P.L. 76-52, 53 Stat. 1418.

governments on the condition that, except for rotation to prevent deterioration, such commodities shall be held in reserve by such governments for a period of not less than five years from the date of acquisition, and shall not be disposed of unless a war or war emergency results in a serious interruption of normal supplies of such commodities: *Provided*, That under this joint resolution no concession below the prevailing world market price for the unrestricted use of such commodities, as determined by the Secretary of Agriculture, shall be granted, in consideration of the obligation assumed by such governments to hold such commodities in reserve as required herein-before, in excess of a maximum amount equal to the average carrying charges, as estimated by the Secretary of Agriculture, that would be incurred if such commodities should be held for an additional eighteen months' period by the Commodity Credit Corporation. In determining specific cotton to be sold under this Act, the determination shall be made by sampling and selection at the place where the cotton is stored on the date of signing any sales agreement or contract under this Act, and no cotton shall be sold under any such sales agreement or contract which, after such date, is transported to any other place and there sampled and selected: *Provided further*, That in case of a sale settlement must be made within sixty days after delivery and not more than five hundred thousand bales of cotton shall be sold upon the terms and conditions provided in this joint resolution.

2. SALES OF SPECIFIC COMMODITIES

a. Dairy Products

AGRICULTURE AND FOOD ACT OF 1981

SEC. 106.¹⁰⁶⁻⁵ [7 U.S.C. 1446c-1] The Secretary of Agriculture shall utilize, to the fullest extent practicable, the authorities under the Commodity Credit Corporation Charter Act (including exportation of dairy products at not less than prevailing world market prices), the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), and other authorities available to the Secretary to reduce inventories of dairy products held by the Commodity Credit Corporation so as to reduce net Commodity Credit Corporation expenditures to the estimated outlays for the milk price support program used in developing budget outlays under the Congressional Budget Act of 1974 for the appropriate fiscal year.

FOOD SECURITY ACT OF 1985

SEC. 1163.¹¹⁶³⁻¹ [7 U.S.C. 1731 note] (a)¹¹⁶³⁻² In each fiscal year, the Secretary of Agriculture may sell dairy products for export, at such prices as the Secretary determines appropriate, in a

¹⁰⁶⁻⁵ P.L. 97-98, 95 Stat. 1220, Dec. 22, 1981.

¹¹⁶³⁻¹ P.L. 99-198, 99 Stat. 1499, Dec. 23, 1985. Sec. 107 of P.L. 100-435, 102 Stat. 1651, Sept. 19, 1988, substituted "fiscal years 1986 through 1990" for "fiscal year ending September 30, 1986, September 30, 1987, and September 30, 1988" in subsec. (a) and substituted "1990" for "1988" in subsec. (c). P.L. 101-624 substituted "1995" for "1990" in subsections (a) and (c).

¹¹⁶³⁻² Section 411(c) of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4963, Dec. 8, 1994, amended subsection (a) in its entirety. Sec. 451 of the Act provides that, except as otherwise provided in the title, the amendments made by title IV of the Act shall take effect on the date of entry into force of the WTO Agreement with respect to the United States. For the prior version of subsection (a), see p. 4-2 of Vol. II—Compilation of Laws Relating to Agricultural Trade (as of Nov. 2, 1994).

quantity and allocated as determined by the Secretary, consistent with the obligations undertaken by the United States set forth in the Uruguay Round Agreements, if the disposition of the commodities will not interfere with the usual marketings of the United States nor disrupt world prices of agricultural commodities and patterns of commercial trade.

(b) Such sales shall be made through the Commodity Credit Corporation under existing authority available to the Secretary or the Commodity Credit Corporation.

(c) Through September 30, 1995, the Secretary shall report semi-annually to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the volume of sales made under this section.

b. Extra Long Staple Cotton

AGRICULTURAL ACT OF 1956

[SEC. 202.²⁰²⁻¹ [7 U.S.C. 1852]]

c. Upland Cotton—Export Sales

AGRICULTURAL ACT OF 1956

[SEC. 203.²⁰³⁻¹ [7 U.S.C. 1853]]

d. Sugar—No Cost Provision

FOOD SECURITY ACT OF 1985

SEC. 902.⁹⁰²⁻¹ [7 U.S.C. 1446g note] (a) Beginning with the quota year for sugar imports which begins after the 1985/1986 quota year, the President shall use all authorities available to the President as is necessary to enable the Secretary of Agriculture to operate the sugar program established under section 206 of the Agricultural Act of 1949⁹⁰²⁻² at no cost to the Federal Government by preventing the accumulation of sugar acquired by the Commodity Credit Corporation.

3. BARTER AND EXCHANGE

See also section 204 of the Agricultural Trade Act of 1978, Barter of Agricultural Commodities, printed in section 1 of part II of this compilation.

²⁰²⁻¹ Sec. 202 was repealed by sec. 275 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 976, April 4, 1996. For the text of sec. 202, see p. 4-3 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

²⁰³⁻¹ Section 203 of P.L. 84-540, 70 Stat. 199, May 28, 1956, was repealed by section 412(c) of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4964, Dec. 6, 1994. Sec. 451 of the Act provides that, except as otherwise provided in the title, the amendments made by title IV of the Act shall take effect on the date of entry into force of the WTO Agreement with respect to the United States.

⁹⁰²⁻¹ P.L. 99-198, 99 Stat. 1443, Dec. 23, 1985.

⁹⁰²⁻² Sec. 1161(c) of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 104 Stat. 3521, Nov. 28, 1990, amended subsec. (a) by striking “section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446)” and inserting “section 206 of the Agricultural Act of 1949”.

a. Exchange for Critical and Strategic Materials

AGRICULTURAL ACT OF 1956

SEC. 206.²⁰⁶⁻¹ [7 U.S.C. 1856] (a) Strategic and other materials acquired by the Commodity Credit Corporation as a result of barter or exchange of agricultural commodities or products, unless acquired for the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) or for other purposes shall be transferred to the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704);²⁰⁶⁻² but no strategic or critical material shall be acquired by the Commodity Credit Corporation as a result of such barter or exchange, except for such national stockpile, for such supplemental stockpile, for foreign economic or military aid or assistance programs, or for offshore construction programs,²⁰⁶⁻³ or to meet requirements of government agencies.²⁰⁶⁻⁴

(b)²⁰⁶⁻⁵ * * *

(c) In order to reimburse the Commodity Credit Corporation for materials transferred to the supplemental stockpile there are hereby authorized to be appropriated amounts equal to the value of any materials so transferred. The value of any such materials for the purpose of this subsection, shall be the lower of the domestic market price or the Commodity Credit Corporation's investment therein as of the date of such transfer, as determined by the Secretary of Agriculture.

ACT OF AUGUST 11, 1939¹⁻¹

To facilitate the execution of arrangements for the exchange of surplus agricultural commodities produced in the United States for reserve stocks of strategic and critical materials produced abroad.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [15 U.S.C. 713a-7] That, notwithstanding any other provision of law, whenever the President, by and with the advice and consent of the Senate, has concluded a treaty involving the exchange of surplus agricultural commodities produced in the United States which are held under loans made or made available by the Commodity Credit Corporation for stocks of strategic and critical materials produced abroad, the Commodity Credit Corporation is authorized, upon terms and conditions prescribed by the Secretary of Agriculture, to accept such strategic and critical materials in exchange for such surplus agricultural commodities; and for the purpose of such exchange the Sec-

²⁰⁶⁻¹ P.L. 84-540, 70 Stat. 200, May 28, 1956.

²⁰⁶⁻² As originally enacted, and amended, section 104(b), which was contained in Title I of the Act (P.L. 480), authorized the use of foreign currencies generated under that Act for the acquisition of strategic and other materials to be placed in a supplemental stockpile. When Title I was revised by the Food for Peace Act of 1966, P.L. 89-808, 80 Stat. 1529, effective January 1, 1967, the provision (section 104(b)) with respect to the supplemental stockpile was omitted.

²⁰⁶⁻³ The material following the semicolon and through "construction programs" was added by the Act of September 6, 1958, P.L. 85-931, 72 Stat. 1791.

²⁰⁶⁻⁴ This phrase was added by the Act of September 21, 1959, P.L. 86-341, 73 Stat. 611.

²⁰⁶⁻⁵ Subsection (b) which provided that strategic materials acquired by the Commodity Credit Corporation as a result of barter or exchange of agricultural commodities or products may be entered or withdrawn from warehouse free of duty, was repealed by the Act of May 24, 1962, P.L. 87-456, 76 Stat. 78.

¹⁻¹ P.L. 387, ch. 690, 53 Stat. 1407, July 26, 1967.

retary of War,¹⁻² the Secretary of the Navy, and the Secretary of the Interior acting jointly through the agency of the Army and Navy Munitions Board¹⁻³ shall determine which materials are strategic and critical and the quantity and quality of such materials. In order to carry out the provisions of this Act, the Commodity Credit Corporation is authorized, upon terms and conditions prescribed by the Secretary of Agriculture, to procure, convey, transport, handle, store, maintain, or rotate such surplus agricultural commodities, and such reserve stocks of strategic and critical materials, as may be necessary to accomplish the purposes of this Act.

The Commodity Credit Corporation is authorized and directed to transfer to warehouses in or near cotton manufacturing centers in New England not to exceed three hundred thousand bales of cotton, to which it now has title or may hereafter acquire title, having regard for the grades and staples customarily required by manufacturers in that area: *Provided*, That all necessary costs in connection with such transfer will not result in additional net cost to the Corporation.

In determining specific cotton to be exchanged under this Act, the determination shall be made by sampling and selection at the place where the cotton is stored on the date of ratification of a treaty providing for such exchange, and no cotton shall be exchanged under such treaty which, after such date, is transported to another place and there sampled and selected. Such reserve stocks of strategic and critical materials shall be stored on military or naval reservations or in other locations approved by the Secretary of War and the Secretary of the Navy. The Commodity Credit Corporation is authorized to transfer such reserve stocks of strategic and critical materials, upon such terms and conditions as the Secretary of Agriculture shall approve, to any other governmental agency. Such reserve stocks or strategic and critical materials shall be made available or disposed of by the Commodity Credit Corporation or other governmental agency only upon order of the President in accordance with the terms of the applicable treaty; when necessary to prevent deterioration, the Commodity Credit Corporation or other governmental agency is authorized to replace those quantities of the reserve stocks of such strategic and critical materials subject to deterioration with equivalent quantities of the same materials. The funds now or hereafter made available to the Commodity Credit Corporation are hereby made available to carry out the purposes of this Act. There is hereby authorized to be appropriated such additional sums as may be required to carry out the provisions of this Act. All funds for carrying out the provisions of this Act shall be available for allotment to bureaus and offices of the Department of Agriculture, and for transfer to such other agencies of the Federal

¹⁻²The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of the Act of July 26, 1947, P.L. 80-253, 61 Stat. 501. Section 205(a) of the Act of July 26, 1947, was repealed by section 53 of the Act of August 10, 1956, P.L. 84-1028, 70A Stat. 641. Section 1 of the Act of August 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011-3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

¹⁻³The Army and Navy Munitions Board ceased to exist when the Chairman of the Board of Munitions took office and the records and personnel of the Army and Navy Munitions Board were transferred to the Munitions Board by the Act of July 26, 1947, section 213, P.L. 80-253, 61 Stat. 505. The Munitions Board was abolished by section 2 of 1953 Reorg. Plan No. 6, 18 F.R. 3743, 67 Stat. 638, and all functions of the Munitions Board were transferred to the Secretary of Defense by section 1 of 1953 Reorg. Plan No. 6.

Government as the Secretary of Agriculture may request to cooperate or assist in carrying out the provisions of this Act.

b. Barter for Petroleum and Petroleum Products

EXPORT ADMINISTRATION AMENDMENTS ACT OF 1985

SEC. 203.²⁰³⁻¹ [15 U.S.C. 4053] BARTER ARRANGEMENTS.

(a) **REPORT ON STATUS OF FEDERAL BARTER PROGRAMS.**—The Secretary of Agriculture and the Secretary of Energy shall, not later than 90 days after the date of the enactment of this Act, submit to the Congress a report on the status of Federal programs relating to the barter or exchange of commodities owned by the Commodity Credit Corporation for materials and products produced in foreign countries. Such report shall include details of any changes necessary in existing law to allow the Department of Agriculture and, in the case of petroleum resources, the Department of Energy, to implement fully any barter program.

(b) **AUTHORITIES OF THE PRESIDENT.**—The President is authorized—

(1) to barter stocks of agricultural commodities acquired by the Government for petroleum and petroleum products, and for other materials vital to the national interest, which are produced abroad, in situations in which sales would otherwise not occur; and

(2) to purchase petroleum and petroleum products, and other materials vital to the national interest, which are produced abroad and acquired by persons in the United States through barter for agricultural commodities produced in and exported from the United States through normal commercial trade channels.

(c) **OTHER PROVISIONS OF LAW NOT AFFECTED.**—In the case of any petroleum, petroleum products, or other materials vital to the national interest, which are acquired under subsection (b), nothing in this section shall be construed to render inapplicable the provisions of any law then in effect which apply to the storage, distribution, or use of such petroleum, petroleum products, or other materials vital to the national interest.

(d) **CONVENTIONAL MARKETS NOT TO BE DISPLACED BY BARTERS.**—The President shall take steps to ensure that, in making any barter described in subsection (a) or (b)(1) or any purchase authorized by subsection (b)(2), existing export markets for agricultural commodities operating on conventional business terms are safeguarded from displacement by the barter described in subsection (a), (b)(1), or (b)(2), as the case may be. In addition, the President shall ensure that any such barter is consistent with the international obligations of the United States, including the General Agreement on Tariffs and Trade.

(e) **REPORT TO THE CONGRESS.**—The Secretary of Energy shall report to the Congress on the effect on energy security and on domestic energy supplies of any action taken under this section which results in the acquisition by the Government of petroleum or petroleum products. Such report shall be submitted to the Congress not later than 90 days after such acquisition.

²⁰³⁻¹ P.L. 90-64, 99 Stat. 158, July 12, 1985.

c. Strategic Petroleum Reserve

JOINT RESOLUTION OF DECEMBER 19, 1985¹⁻¹

SPR PETROLEUM ACCOUNT

[42 U.S.C. 6240 note] Notwithstanding any other provision of law, the Secretary of Agriculture, at the request of the Secretary of Energy, may exchange agricultural products owned by the Commodity Credit Corporation for crude oil to be delivered to the Strategic Petroleum Reserve: *Provided*, That the Secretary of Energy shall approve the quantity, quality, delivery method, scheduling, market value and other aspects of the exchange of such agricultural products: *Provided further*, That if the volume of agricultural products to be exchanged has a value in excess of the market value of the crude oil acquired by such exchange, then the Secretary of Agriculture shall require as part of the terms and conditions of the exchange that the party or entity providing such crude oil shall agree to purchase, within six months following the exchange, current crop commodities or value-added food products from United States producers or processors in an amount equal to at least one-half the difference between the value of the commodities received in exchange and the market value of the crude oil acquired for the Strategic Petroleum Reserve.

¹⁻¹ P.L. 99-190, 99 Stat. 1254.

SUBPART D. SECTION 32 AND RELATED STATUTES

1. SECTION 32 OF PUBLIC LAW 320, 74th CONGRESS

SEC. 32.³²⁻¹ [7 U.S.C. 612c] There is hereby appropriated for each fiscal year beginning with the fiscal year ending June 30, 1936 an amount equal to 30 per centum of the gross receipts from duties collected under the customs laws during the period January 1 to December 31, both inclusive, preceding the beginning of each such fiscal year.³²⁻² Such sums shall be maintained in a separate fund and shall be used by the Secretary of Agriculture only to (1) encourage the exportation of agricultural commodities and products thereof by the payment of benefits in connection with the exportation thereof or of indemnities for losses incurred in connection with such exportation or by payments to producers in connection with the production of that part of any agricultural commodity required for domestic consumption; (2) encourage the domestic consumption of such commodities or products by diverting them, by the payment of benefits or indemnities or by other means, from the normal channels of trade and commerce or by increasing their utilization through benefits, indemnities, donations or by other means, among persons in low-income groups as determined by the Secretary of Agriculture; and (3) reestablish farmers' purchasing power by making payments in connection with the normal production of any agricultural commodity for domestic consumption. Determinations by the Secretary as to what constitutes diversion and what constitutes normal channels of trade and commerce and what constitutes normal production for domestic consumption shall be final.

The sums appropriated under this section shall be expended for such one or more of the above-specified purposes, and at such times, in such manner, and in such amounts as the Secretary of Agriculture finds will effectuate substantial accomplishment of any one or more of the purposes of this section.³²⁻³ Notwithstanding any other provision of this section, the amount that may be devoted, during any fiscal year after June 30, 1939, to any one agricultural commodity or the products thereof in such fiscal year, shall not exceed 25 per centum of the funds available under this section for such fiscal year. The sums appropriated under this section shall be devoted principally to perishable non-basic agricultural commodities (other than those receiving price support under title II of the

³²⁻¹ The Act of August 24, 1935, 49 Stat. 750, 774. Although this section has been amended a number of times, the purposes of section 32—through payments or indemnities to encourage the exportation and domestic consumption of agricultural commodities and products and to reestablish farmers' purchasing power in connection with the normal production of agricultural commodities—remain basically the same since February 29, 1936. Authority to encourage consumption of agricultural commodities and products by their utilization among persons in low-income groups was added by amendment of clause (2) in 1939 (53 Stat. 975). Later amendments are noted.

³²⁻² See section 205 of the Agricultural Act of 1956 in section 2 of this subpart of this compilation.

³²⁻³ See section 392(b) of the Agricultural Adjustment Act of 1938, in section 3 of this subpart of this compilation.

Agricultural Act of 1949)³²⁻⁴ and their products.³²⁻⁵ The sums appropriated under this section shall, notwithstanding the provisions of any other law, continue to remain available for the purposes of this section until expended; but any excess of the amount remaining unexpended at the end of any fiscal year over \$300,000,000 shall, in the same manner as though it had been appropriated for the service of such fiscal year, be subject to the provisions of section 3690³²⁻⁶ of the Revised Statutes (U.S.C., title 31, sec. 712), and section 5³²⁻⁷ of the Act entitled “An Act making appropriations for the legislative executive, and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy-five and for other purposes” (U.S.C., title 31, sec. 713).³²⁻⁸ A public or private nonprofit organization that receives agricultural commodities or the products thereof under clause (2) of the second sentence may transfer such commodities or products to another public or private nonprofit organization that agrees to use such commodities or products to provide, without cost or waste, nutrition assistance to individuals in low-income groups.

2. APPROPRIATION TO SUPPLEMENT SECTION 32 FUNDS

AGRICULTURAL ACT OF 1956

SEC. 205.²⁰⁵⁻¹ [7 U.S.C. 1855] There is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1957, the sum of \$500,000,000 to enable the Secretary of Agriculture to further carry out the provisions of section 32, Public Law 320, Seventy-fourth Congress, as amended (7 U.S.C. 612c), subject to all provisions of law relating to the expenditure of funds appropriated by such section, except that up to 50 per centum of such \$500,000,000 may be devoted during any fiscal year to any one agricultural commodity or the products thereof.

3. LIMITATION OF ADMINISTRATIVE EXPENSES

AGRICULTURAL ADJUSTMENT ACT OF 1938

SEC. 392. (b)³⁹²⁻¹ [7 U.S.C. 1392(b)] * * * In the administration of section 32 of the Act entitled “An Act to amend the Agricultural Adjustment Act, and for other purposes,” approved August 24, 1935 (49 Stat. 774), as amended, and the Agricultural Marketing Agreement Act of 1937, as amended, and those sections of the Agricultural Adjustment Act (of 1933), as amended, which were reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, the aggregate amount expended in any fiscal year, beginning with the fiscal year ending June 30, 1942, for ad-

³²⁻⁴ The clause within the parentheses was substituted for “other than those designated in title II of the Agricultural Act of 1949” by Sec. 5 of the Act of January 30, 1954, 68 Stat. 4.

³²⁻⁵ This sentence was added by section 411 of the Agricultural Act of 1949, 63 Stat. 1057.

³²⁻⁶ Superseded by the Act of July 6, 1949, 63 Stat. 407, 31 U.S.C. 712a, and the Act of July 25, 1956, 70 Stat. 647, as amended, 31 U.S.C. 701-708.

³²⁻⁷ This sentence was added by section 301 of the Agricultural Act of 1948, 62 Stat. 1257.

³²⁻⁸ The last sentence was added by section 1561 of the Food Security Act of 1985, P.L. 99-198, 99 Stat. 1589, Dec. 23, 1985.

²⁰⁵⁻¹ P.L. 84-540, 70 Stat. 200, May 28, 1956.

³⁹²⁻¹ P.L. 430, 75th Cong., 52 Stat. 70, Feb. 16, 1938, as amended by P.L. 77-427, 56 Stat. 41, Jan. 31, 1942.

ministrative expenses in the District of Columbia, including regional offices, and in the several States (not including the expenses of county and local committees) shall not exceed 4 per centum of the total amount available for such fiscal year for carrying out the purposes of said Acts, unless otherwise provided by appropriate or other law.³⁹²⁻²

4. PROHIBITION ON PURCHASE OF FOREIGN PRODUCED FISHERY PRODUCTS

ACT OF AUGUST 11, 1939¹⁻¹

To authorize the Federal Surplus Commodities Corporation to purchase and distribute surplus products of the fishing industry

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [15 U.S.C. 713c-2] That any part of the funds not to exceed \$1,500,000 per year, transferred by the Secretary of Agriculture to the Federal Surplus Commodities Corporation¹⁻² created under and to carry out the provisions of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may also be used by such Corporation for the purpose of diverting surplus fishery products (including fish, shellfish, mollusks, and crustacea) from the normal channels of trade and commerce by acquiring them and providing for their distribution through Federal, State, and private relief channels: *Provided*, That none of the funds made available to the Federal Surplus Commodities Corporation¹⁻² under this Act shall be used to purchase any of the commodities designated in this Act which may have been produced in any foreign country. The provisions of law relating to the acquisition of materials or supplies for the United States shall not apply to the acquisition of commodities under this Act.

* * * * *

5. SUNFLOWERSEED AND COTTONSEED OIL

DISASTER ASSISTANCE ACT OF 1988

SEC. 301. (a) * * *

(b)³⁰¹⁻¹ [7 U.S.C. 1464 note] COTTONSEED AND SUNFLOWERSEED OIL.—(1) The Secretary of Agriculture shall determine if the price of cottonseed or cottonseed products is adversely affected by the amendment made by subsection (a)(1). If the Secretary determines that any such price has been adversely affected, the Secretary shall support the price of cottonseed and cottonseed products through loans, purchases, export assistance, or any other form of assistance, as necessary to offset such adverse effect.

(2)³⁰¹⁻² * * *

(3) Except as otherwise provided in paragraph (2)(A), the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this subsection.

³⁹²⁻² This last phrase was added by P.L. 84-978, § 7, 70 Stat. 1034, Aug. 3, 1956.

¹⁻¹ P.L. 76-393, 53 Stat. 1411.

¹⁻² The functions of the Federal Surplus Commodities Corporation have been transferred to the Secretary of Agriculture (15 U.S.C. 713c note, 713c-2 note.) and the Corporation has been dissolved.

³⁰¹⁻¹ P.L. 100-387, 102 Stat. 946, Aug. 11, 1988.

³⁰¹⁻² Para. (2) was applicable only to fiscal years 1991 through 1995. For the text of para. (2), see p. 5-3 and 5-4 of Agricultural Trade Laws Vol. (as of Feb. 10, 1995).

6. NARCOTICS CONTROL

FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990

SEC. 1544. ¹⁵⁴⁴⁻¹ **[22 U.S.C. 2151x-2] ASSISTANCE IN FURTHERANCE OF NARCOTICS CONTROL OBJECTIVES OF THE UNITED STATES.**

(a) **WAIVER OF CERTAIN RESTRICTIONS.**—For the purpose of reducing dependence upon the production of crops from which narcotic and psychotropic drugs are derived, the President may provide economic assistance for a country which, because of its coca production, is a major illicit drug producing country (as defined in section 481(i)(2) ¹⁵⁴⁴⁻² of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(2))) to promote the production, processing, or the marketing of products which can be economically produced in such country, notwithstanding the provisions of law described in subsection (b) of this section.

(b) **DESCRIPTION OF RESTRICTIONS WAIVED.**—The provisions of law made inapplicable by subsection (a) are any other provisions of law that would otherwise restrict the use of economic assistance funds with respect to the production, processing, or marketing of agricultural commodities (or the products thereof) or other products, including sections 521, 546, and 547 (but excluding section 510) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, and comparable provisions of subsequent Acts appropriating funds for foreign operations, export financing, and related programs.

(c) **DEFINITION OF ECONOMIC ASSISTANCE.**—As used in this section, the term “economic assistance” means assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) and assistance under chapter 4 of part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund).

¹⁵⁴⁴⁻¹ Pub. L. 101-624, 104 Stat. 3695, Nov. 28, 1990.

¹⁵⁴⁴⁻² The second sentence of Pub. L. 102-583, 106 Stat. 4932, Nov. 2, 1992, provides that “Any reference in any provision of law enacted before the date of enactment of this Act [Public Law 102-583] to...section 481(i) of that Act [the Foreign Assistance Act of 1961] shall be deemed to be a reference to...section 481(e)....”.